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Attorney for Defendant
CLAYTON HOWARD

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CLAYTON HOWARD,

Defendant.

Case No.: 2:20-cr-00090-MCE

STIPULATION AND ORDER
CONTINUING STATUS CONFERENCE
AND EXCLUDING TIME UNDER THE
SPEEDY TRIAL ACT

Date: August 12, 2021
Time: 10:00 a.m.
Court: Hon. Morrison C. England, Jr.

Plaintiff United States of America by and through Assistant United States Attorney
Cameron Desmond, and Attorney Todd Leras on behalf of Defendant Clayton Howard, stipulate
as follows:

ORDER CONTINUING STATUS
CONFERENCE

- 1 1. This matter is presently set for a status conference on August 12, 2021. Defendant
2 Clayton Howard requests to continue the status conference to October 14, 2021. The
3 government does not oppose the request.
4
- 5 2. This case involves a felon in possession of ammunition charge stemming from
6 execution of a search warrant in San Joaquin County. The government has provided
7 written reports related to execution of the search warrant to defense counsel as
8 discovery materials.
9
- 10 3. Defense investigation of this matter has been hampered due to measures taken by
11 federal and state authorities in response to the COVID-19 pandemic. Specifically,
12 pandemic restrictions have delayed the ability of the defense to conduct in-person
13 interviews of potential witnesses and to obtain relevant records needed to evaluate
14 potential defenses and for purposes of mitigation in the event of a negotiated
15 disposition. Defendant Howard therefore requests to continue this matter to October
16 14, 2021.
17
- 18 4. Defendant Howard is being held in pre-trial detention at the Sacramento County Main
19 Jail. During most of the time since Mr. Howard's arrest in this matter, federal
20 courthouses in the Eastern District of California have been closed to public access.
21 Reopening of courthouses in the district started as of June 14, 2021. General Orders
22 631 and 632 allow each district judge discretion to determine whether to hold
23 hearings in person or via videoconferencing. A recent surge in the spread of the Delta
24 variant in the Sacramento area has spurred local health officials to reinstitute an
25 indoor mask policy regardless of vaccination status.
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28 ORDER CONTINUING STATUS
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- 1 5. Given the need for additional time to conduct defense investigation, Defendant
2 Howard requests to continue the status conference in this matter to October 14, 2021,
3 at 10:00 a.m., and to exclude time between August 12, 2021 and October 14, 2021,
4 inclusive, under Local Code T-4.
5
- 6 6. Attorney Todd Leras represents and believes that failure to grant additional time as
7 requested would deny Defendant Howard the reasonable time necessary for effective
8 preparation, considering the exercise of due diligence.
9
- 10 7. Based on the above-stated facts, Defendant Howard requests that the Court find that
11 the ends of justice served by continuing the case as requested outweigh the best
12 interest of the public and the Defendant in a trial within the time prescribed by the
13 Speedy Trial Act.
14
- 15 8. For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, *et*
16 *seq.*, within which trial must commence, the time period of August 12, 2021 to
17 October 14, 2021, inclusive, is deemed excludable pursuant to 18 U.S.C. §
18 3161(h)(7)(A), and (B) (iv) [Local Code T-4] because it results from a continuance
19 granted by the Court at Defendant Howard's request on the basis that the ends of
20 justice served by taking such action outweigh the best interest of the public and the
21 Defendant in a speedy trial.
22
- 23 9. Nothing in this stipulation and order shall preclude a finding that other provisions of
24 the Speedy Trial Act dictate that additional time periods are excludable from the
25 period within which a trial must commence.
26

27 Assistant U.S. Attorney Cameron Desmond has reviewed this proposed order and

1 authorized Todd Leras via email to sign it on her behalf.

2
3 DATED: August 9, 2021

PHILLIP A. TALBERT
Acting United States Attorney

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5 By /s/ Todd D. Leras for
CAMERON DESMOND
6 Assistant United States Attorney

7 DATED: August 9, 2021

8 By /s/ Todd D. Leras
TODD D. LERAS
9 Attorney for Defendant
CLAYTON HOWARD
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28 ORDER CONTINUING STATUS
CONFERENCE


ORDER

It is hereby ordered that the status conference in this matter, scheduled for August 12, 2021, is vacated. A new status conference is scheduled for **October 14, 2021, at 10:00 a.m.**

The Court further finds, based on the representations of the parties and Defendant Howard's request, that the ends of justice served by granting the continuance outweigh the best interests of the public and the Defendant in a speedy trial. Time shall be excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(B)(iv) and Local Code T-4, to allow necessary attorney preparation taking into consideration the exercise of due diligence for the period from August 12, 2021, up to and including October 14, 2021.

IT IS SO ORDERED.

Dated: August 9, 2021



MORRISON C. ENGLAND, JR.
SENIOR UNITED STATES DISTRICT JUDGE

ORDER CONTINUING STATUS
CONFERENCE